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OFFICE OF PETITIONS

In re Application of
Daniel S. CONNOR et al.
Application No. 09/786,078
Filed: February 28, 2001
Attorney Docket No. 7262/MH

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: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.313(c)(2)
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This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 10, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)


In this case, the petition was not received in the Office of Petitions for consideration until April 10, 2007 the date the application issued into Patent No. 7,202, 205. Therefore, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Petitioner is advised, that while petitions to withdraw from issue may be mailed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. See MPEP § 1308.

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.


Karen Creasy
Petitions Examiner
Office of Petitions